

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

In the Matter of the Complaint of
KEN W. YANICKY

Petitioner, 11-CV-6287

ORDER

By letter dated October 27, 2011, Petitioner requests permission to file a sur-reply to supplement the materials submitted to this Court in connection with the pending Motion to Dismiss the Complaint filed by the Respondent, the Estate of Michael J. Steger. The local rules of this Court prohibit sur-reply papers. See Rule 7.1(c) ("Sur-reply papers shall not be permitted unless a party is directed otherwise by the Court"). However, this Court also recognizes that it is improper practice for a party to raise new issues or arguments in its reply brief. See Ernst Haas Studio, Inc. v. Palm Press, Inc., 164 F.3d 110, 112 (2d Cir.1999) ("[N]ew arguments may not be made in a reply brief."); Meadowbrook-Richman, Inc. v. Assoc. Fin. Corp., 253 F.Supp.2d 666, 680 (S.D.N.Y.2003). To the extent that Respondent has raised new arguments in its reply papers, such arguments will not be considered by the Court. Petitioner's request to file a Sur-Reply brief is **DENIED**.

ALL OF THE ABOVE IS SO ORDERED.

s/Michael A. Telesca
MICHAEL A. TELESCA
United States District Judge

Dated: Rochester, New York
October 28, 2011